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Attorneys for Defendant  
Frontier Airlines, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

RILEY POOR,

Plaintiff,

v.

FRONTIER AIRLINES, INC.

Defendant.

Case No. \_\_\_\_\_

NOTICE OF REMOVAL BY DEFENDANT  
FRONTIER AIRLINES, INC.

Multnomah County Circuit Court  
Case No. 1211-14843

PLEASE TAKE NOTICE THAT, pursuant to Title 28 of the United States Code, Sections 1332, 1441, and 1446, Defendant, FRONTIER AIRLINES, INC. ("Frontier"), by and through its attorneys, Miller & Associates, hereby removes to this Court the case now pending in Multnomah County, Oregon as *Riley Poor v. Frontier Airlines, Inc.*, Case No. 1211-14843.

As grounds for removal, Frontier states as follows:

1. Frontier is a defendant in the civil action currently pending in Multnomah County, Oregon as *Riley Poor v. Frontier Airlines, Inc.*, Case No. 1211-14843. Pursuant to 28 USC §§ 1332, 1441, and 1446, Frontier removes this action to the United States District Court of Oregon, which is the judicial district in which this action is pending.

2. There is complete diversity of citizenship between Plaintiff and all defendants in this action because:

- a. Plaintiff is a citizen of the State of Oregon;
- b. The sole defendant, Frontier, is, and was at all relevant times, a foreign corporation with its principal place of business in Indianapolis, Indiana. (Declaration of Timothy Miller (“Dec of Miller”) at ¶2 attached hereto as **Exhibit A**);
- c. Based on the allegations of Plaintiff’s Complaint, more than \$75,000, exclusive of interest and costs, is in controversy in this action.

3. Based on the above, this Court has original jurisdiction over this action pursuant to 28 USC § 1332. Therefore, Frontier may remove this case to this Court pursuant to 28 USC § 1441(a).

4. Plaintiff’s Complaint was served on Frontier on December 19, 2012. (Dec of Miller, ¶3) This Notice of Removal is filed within 30 days of Frontier’s receipt of Plaintiff’s Complaint in the state court action. This Notice of Removal is timely under 28 USC § 1446(b).

5. Pursuant to 28 USC § 1446(a), copies of all process, pleadings, and orders served on Frontier are attached as **Exhibit B** to the Declaration of Timothy Miller.

6. No further proceedings have been held in Multnomah County Circuit Court as of the date of filing this removal.

7. Frontier has served a copy of this Notice of Removal on Plaintiff, and will file a Notice of Filing of Notice of Removal to the United States District Court of Oregon with the Clerk of the Circuit Court for Multnomah County, Oregon.

8. By filing this Notice of Removal, Frontier does not waive, but rather expressly reserves all rights, defenses, and objections of any nature that they may have to Plaintiff’s claims.

WHEREFORE, Defendant Frontier Airlines, Inc. respectfully requests removal to this Court of the above-styled cause now pending in the Circuit Court for Multnomah County, Oregon.

DATED this 18<sup>th</sup> day of January 2013.

MILLER & ASSOCIATES

By /s/ Stuart W. Smith  
Stuart W. Smith, OSB #044209  
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Trial Attorney: Timothy E. Miller, OSB #820910  
[timmiller@millerandassociatesavn.com](mailto:timmiller@millerandassociatesavn.com)  
Attorneys for Defendant Frontier Airlines, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of January, 2013 the foregoing NOTICE OF REMOVAL BY DEFENDANT FRONTIER AIRLINES, INC. was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

MILLER & ASSOCIATES

By s/ Stuart W. Smith  
Stuart W. Smith, OSB No. 044209  
Of Attorneys for Defendant